

From: Looper, Sheryl A (Sheri) [mailto:SLooper@usbr.gov]
Sent: Wednesday, April 06, 2011 5:06 PM
To: Davidoff, Baryohay; Jemaa, Fethi Ben
Cc: Alemi, Manucher; Guivetchi, Kamyar; Gore, David W; Arroyave, Pablo R; Mao, Leeyan; Stevenson, Richard M; Woodley, Richard J
Subject: Draft Water Measurement Regulation

Dear Baryohay and other DWR staff members:

This email is in response to your request for level of support or disagreement regarding the draft Agricultural Water Measurement Regulations. As a member of the ASC and in consultation with the Mid-Pacific Regional Director's Office, Reclamation submits the following:

Although Reclamation supports DWR's efforts in the implementation of an effective water conservation program that includes accuracy standards for water measurement, Reclamation has a "fundamental disagreement" with the proposed regulation. This fundamental disagreement is based on the applicability language as it applies to federal water contractors. Specifying the 2008 Conservation and Efficiency Criteria (Criteria) significantly impacts Reclamation and Reclamation's contractors. It vastly limits Reclamation's ability to assess and update Criteria as needed based on current technologies, feasibility standards, public input, and current research. It restricts Reclamations ability to control and implement our water conservation program based on the best possible technology and information available. It also puts federal contractors at risk of not being able to comply with either federal or state law if Reclamation does update it's Criteria as related to accuracy standards. It is important to note that any changes in Criteria are posted in the Federal Register. No significant changes are made to the Criteria without public input.

Reclamation supports the following language:

“Agricultural water suppliers that are subject to either the Central Valley Project Improvement Act (Public Law 102-575) or the Reclamation Reform Act of 1982, or both, shall be deemed in compliance with this article, if all irrigation water delivered by those suppliers is delivered through devices that meet the United States Bureau of Reclamation accuracy standards outlined in the most current Conservation and Efficiency Criteria Standards written for Public Law 102-575, §3405 (e). “

Sincerely,

Sheri Looper